

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE ADOPTION BY REFERENCE OF THE  
2006 EDITION OF THE UNIFORM PLUMBING CODE (UPC)  
WITH AMENDMENTS INTO THE 2007 CALIFORNIA PLUMBING CODE (CPC)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons to be available to the public upon request when a rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:**

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

**1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.**

**Administrative Requirement:** Health and Safety Code Sections 17922 and 19990 direct the Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which, in this case, is the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials (IAPMO) as selected by the California Building Standards Commission (CBSC), into Part 5 of Title 24, of the California Code of Regulations. Pursuant to the court case International Association of Plumbing and Mechanical Officials v. California Building Standards Commission (1997) 55 Cal.App.4<sup>th</sup> 245 (Ct of Appeal 3<sup>rd</sup> Dist), the CBSC is not limited to the statutorily identified model codes.

**2) Specific Purpose**

The CBSC selected the 2006 Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), as the model code to be referenced in Title 24, Part 5 for the 2006 Triennial code adoption cycle.

**The specific purpose** of these regulations is to adopt by reference the 2006 edition of the UPC, with California amendments, as indicated on the attached matrix table, into Part 5, Title 24, CCR for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided for through California Fair Employment and Housing accessibility requirements, except where the application is for public use only, in accordance with Health and Safety Code, Division 13, Part 1.5 commencing with Section 17910.
- b) **Mobilehome Parks and Special Occupancy Parks:** relative to the use of plumbing equipment and systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator, within the park, in accordance with Health and Safety Code Sections 18300, 18630 and 18690 for mobilehome parks, and Health and Safety Code Sections 18865, 18873, 18873.1, 18873.2 and 18873.4 for special occupancy parks.
- c) **Employee Housing Act:** relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

### **3) Rationale for Necessity.**

The UPC was published by IAPMO and will automatically become adopted in its entirety, pursuant to Health and Safety Code Section 17922 (b), one year from its date of publication if not amended and proposed by HCD to the CBSC for adoption.-

If the 2006 UPC becomes adopted in its entirety without being proposed for adoption with amendments by the HCD to the CBSC, such automatic adoption would cause considerable confusion because California amendments, also known as State amendments, are necessary modifications to the model code language to incorporate state and federal laws and to benefit the health, safety, and general welfare of California.

**It is necessary to propose the adoption** of some sections of the 2006 UPC, with amendments to the model code language, to incorporate state and federal laws and regulations, and to benefit the health, safety, and general welfare of California.

**It is necessary to not propose the adoption** of some sections of the 2006 UPC, as they would conflict with certain existing state and federal laws, and would not benefit the health, safety, and general welfare of California.

**It is necessary to propose the removal** of some California amendments previously proposed and adopted in the 2001 CPC that are duplicated or replaced by similar new model code language, or incorporated state and federal laws, and are no longer necessary.

**It is necessary to propose to continue to adopt** previously existing California amendments which represent no change in their effect from the 2001 Triennial California Building Standards Codes. Some of the existing California amendments will be amended as follows:

- Renumber sections in order to fit appropriately into the newly adopted text of the 2006 edition of the UPC
- Remove banners [HCD1, HCD 1/AC, and/or HCD 2], add scoping language for HCD's application and reference appropriate section numbers and/or laws
- Change the language for clarification of existing law

**NOTE: Changes have been grouped into types of amendments. Thus, a specific section of code may appear more than once because the section has more than one type of amendment.**

#### **Specific Proposed Regulatory Actions:**

### **CHAPTER 1\* ADMINISTRATION**

**\*[NOTE: Chapter 1, §101, was provided by the California Building Standards Commission (CBSC)]**

HCD is proposing adoption of this new California Chapter.

HCD proposes to not adopt Chapter 1 of the 2006 International Building Code (IBC). HCD is proposing that Chapter 1 of the 2006 IBC be relocated in its entirety to a newly created Appendix Chapter 1 for the 2007 California Building Code. HCD is proposing the adoption of a newly developed Chapter 1 with sections specific to the needs of California and each state agency. This new chapter will promote uniform enforcement throughout the state and ensure local enforcement agencies are provided accurate statutory information regarding the enforcement of building standards in the State of California.

Amendments that previously existed in Chapter 1 of the 2001 California Building Code have either been repealed, reformatted, or relocated and are shown appropriately throughout this rulemaking package.

The proposed adoption of the new California Chapter 1, including the text of Section 101 which was provided by the California Building Standards Commission (CBSC), is consistent with the format guidance given by the CBSC and the 2006 IBC.

## CHAPTER 2 DEFINITIONS

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

### Section 201.0 General

#### Section 202.0 Definitions of Terms

Section 203.0 -A-	Section 212.0 -J-	Section 221.0 -S
Section 204.0 -B-	Section 213.0 -K-	Section 222.0 -T-
Section 205.0 -C-	Section 214.0 -L-	Section 223.0 -U-
Section 206.0 -D-	Section 215.0 -M-	Section 224.0 -V-
Section 207.0 -E-	Section 216.0 -N-	Section 225.0 -W-
Section 208.0 -F-	Section 217.0 -O-	Section 226.0 -X-
Section 209.0 -G-	Section 218.0 -P-	Section 227.0 -Y-
Section 210.0 -H-	Section 219.0 -Q-	Section 228.0 -Z-
Section 211.0 -I-	Section 220.0 -R-	

#### Section: 203.0

##### ***“Approved”***

HCD proposes to repeal the above-listed existing California amendment for the definition of *“Approved”*. The language has been added to the model code definition with scoping language. Therefore, the amendment is no longer necessary.

##### ***“Approved”***

HCD proposes to adopt the above-listed model code definition of *“Approved”*, with modifications. The modified text will remove the banner consistent with the format of this code and with guidance given by the CBSC. Language from the existing California definition of *“Approved”* is moved into this definition with scoping for HCD. Additional language is added to reference the code user to statutory definitions for applications under the authority of HCD. This will provide consistency with the format of this code and will provide clarity to the code user.

##### ***“Approved Testing Agency”***

HCD proposes to adopt the above-listed model code definition of *“Approved Testing Agency”*, with modifications. The modified text will remove the banner consistent with the format of this code and with guidance given by the CBSC. Language from the existing California definition of *“Approved Testing Agency”* is moved into this definition with scoping for HCD. This will provide consistency with the format of this code and will provide clarity to the code user.

##### ***“Authority Having Jurisdiction”***

HCD proposes to adopt the above-listed model code definition of *“Authority Having Jurisdiction”*, with modifications. Language has been added to clarify that this term shall be synonymous with *“Enforcing Agency”*. This amendment will provide consistency with the format of this code and will provide clarity to the code user.

#### Section: 204.0

##### ***“Building”***

HCD proposes to repeal the above-listed existing California amendment for the definition of *“Building”*. HCD is proposing to adopt the model code definition of *“Building”* with amendment; therefore, the original California amendment is no longer necessary. Additionally, the note will be removed as it is no longer applicable

##### ***“Building”***

HCD proposes to adopt the above-listed model code definition of *“Building”*, with modifications. Language from the existing California definition of *“Building”* is moved into this definition with scoping for HCD. Additional language is added to reference the code user to statutory definitions for applications under the authority of HCD. This will provide consistency with the format of this code and will provide clarity to the code user.

#### Section: 205.0

##### ***“Covered Multi-Family Dwelling”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with non-substantive modifications. The modified text will remove the banner and direct the code user to the correct code section regarding this term. The amendment will provide clarity to the user regarding HCD's application and this definition.

## **Section: 206.0**

### ***“Department”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with non-substantive modifications. The modified text will remove the banner and add scoping to the text to provide clarity to the user regarding HCD's application.

### ***“Department Having Jurisdiction”***

HCD proposes to adopt the above-listed model code definition of “Department Having Jurisdiction”, with modifications. Language has been added to clarify that this term shall be synonymous with “*Enforcing Agency*”. The modified text will remove the banner and add scoping to the text to provide clarity to the user regarding HCD's application.

## **Section: 207.0**

### ***“Enforcing Agency”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with non-substantive modifications. The modified text will remove the banner and add scoping to the text to provide clarity to the user regarding HCD's application of the sections.

### ***“Enforcement Agency”***

HCD proposes to repeal the above-listed existing California amendment. The term is not used by HCD and is no longer required to be defined.

## **Section: 210.0**

### ***“HCD 1”***

HCD proposes to repeal the above-listed existing California amendment. This abbreviation already appears in Chapter 1 of this code to identify applications under the authority of HCD and it is not necessary to duplicate those references in this section.

### ***“HCD 1/AC”***

HCD proposes to repeal the above-listed existing California amendment. This abbreviation already appears in Chapter 1 of this code to identify applications under the authority of HCD and it is not necessary to duplicate those references in this section.

### ***“HCD 2”***

HCD proposes to repeal the above-listed existing California amendment. This abbreviation already appears in Chapter 1 of this code to identify applications under the authority of HCD and it is not necessary to duplicate those references in this section.

## **Section: 214.0**

### ***“Labeled”***

HCD proposes to repeal the above-listed existing California amendment. The model code definition now incorporates California amendment language, as proposed by HCD. Therefore, the amendment is no longer necessary.

### ***“Labeled”***

HCD proposes to adopt the above-listed model code definition, with modifications. The model code definition has been supplemented to include the language of the previously existing California amendment. The modified text will remove the banner and add scoping to the text to provide clarity to the user regarding HCD's application. This will provide consistency with the format of this code and will provide clarity to the code user.

### ***“Lavatory”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modification. The modified text will remove the banner and add scoping to the text to provide clarity to the user regarding HCD's application of the section.

### ***“Limited-density Owner-built Dwelling”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modification. The modified text will remove the banner and add scoping to the text to provide clarity to the user regarding HCD's application of the section.

***“Listed”***

HCD proposes to repeal the above-listed existing California amendment. HCD will propose to adopt the model code definition for “Listed (Third-party certified)” and will modify it to include the California amendment language. Therefore, the amendment is no longer necessary.

***“Listed (Third-party certified)”***

HCD proposes to adopt the above-listed model code definition, with modifications. Language from the existing California amendment definition for “*Listed*” is added to this model code definition, along with scoping language for HCD. This will provide consistency with the format of this code and will provide clarity to the code user.

***“Listing Agency”***

HCD proposes to repeal the above-listed existing California amendment. HCD will propose to adopt the model code definition for “Listing Agency”, and will modify that definition to include the California amendment language. Therefore, the amendment is no longer necessary.

***“Listing Agency”***

HCD proposes to adopt the above-listed model code definition, with modifications. The modified text will remove the banner consistent with the format of this code and with guidance given by the CBSC. Language from the existing California amendment definition is added to this model code definition, along with scoping language for HCD. This will provide consistency with the format of this code and will provide clarity to the code user.

***“Low VOC Cement”***

HCD proposes to adopt the above-referenced new California amendment into Title 24, Part 5, CPC. The term is used in new California amendment language, and the definition will provide clarity for the code user and consistency in the code application by providing a uniform definition of “Low-VOC.”

***“Low VOC Primer”***

HCD proposes to adopt the above-referenced new California amendment into Title 24, Part 5, CPC. The term is used in new California amendment language, and the definition will provide clarity for the code user and consistency in the code application by providing a uniform definition of “Low-VOC.”

**Section: 216.0*****“Nuisance”***

HCD proposes to repeal the above-listed existing California amendment for the definition of “Nuisance”. HCD will propose to adopt the model code definition for “Nuisance” and will modify it to include the California amendment language. Therefore, the amendment is no longer necessary.

***“Nuisance”***

HCD proposes to adopt the above-listed model code definition of “Nuisance”, with modifications. The modified text will remove the banner consistent with the format of this code and with guidance given by the CBSC. Language from the existing California amendment definition is moved into this section with scoping for HCD. Additional statutory references have been added to direct the code user to the appropriate definitions for use in mobilehome parks and special occupancy parks. This will provide consistency with the format of this code and will provide clarity to the code user.

**Section: 221.0*****“Single Family Dwelling”***

HCD proposes to continue the non-adoption of the above- listed model code definition into Title 24, Part 5, CPC, with modification. The previous amendment is shown as repealed in the “Repealed Amendments” portion of the Express Terms. The State Housing Law provides definitions for this term that would conflict with the model code language if adopted. This definition will be shown as not adopted in the matrix table.

**Section: 222.0*****“Testing Agency”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modification. The modified text will remove the banner, add scoping to the text, and direct the code user to the definition of “*Approved Testing Agency*”. This amendment will provide clarity to the user regarding HCD’s application and consistency with state law. Additionally, the redundant note has been removed.

## **Section: 223.0**

### ***“U.P.C.”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modification. The modified text will remove the banner consistent with the format of this code and with guidance given by the CBSC. Scoping language has been added to this section to direct the code user to applications under the authority of HCD.

## **Section: 225.0**

### ***“Water Closet”***

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modification. The modified text will remove the banner consistent with the format of this code and with guidance given by the CBSC. Scoping language has been added to this section to direct the code user to applications under the authority of HCD.

## **CHAPTER 3 GENERAL REGULATIONS**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

## **Section: 301.2**

HCD proposes to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. This action does not represent any change in the effect of the existing California amendments as they existed in the 2001 California Building Standards Codes. Previous amendment language related to alternate materials and methods are now located in Chapter 1. The proposed language will direct the code user to applications under the authority of HCD and the correct sections which relate to alternate materials and methods.

## **Sections: 301.2.1, 301.2.1.1 and 301.2.1.2**

HCD proposes to continue the non-adoption of the above-listed existing model code sections into Title 24, Part 5, CPC. This action does not represent any change in the effect of the existing California amendments as they existed in the 2001 California Building Standards Codes. The language has now been placed in Chapter 1 of this code; therefore, this amendment is no longer necessary.

## **Sections: 301.2.5 and 301.2.6**

HCD proposes to repeal the above-listed existing California amendments. HCD will instead propose to adopt model code Section 301.2 with modification language to direct the code user to the relocated provisions regarding alternate materials and methods. This change will provide the code user with a more readable document and ensure the user is applying the correct requirements when considering the approval of alternates under the authority of HCD.

## **Sections: 301.5, 303.0 and 304.0.**

HCD proposes to continue the adoption of the above-listed California amendments into Title 24, Part 5, CPC, with modifications. The modifications remove the banners for consistency with the format of the code and scoping language was added where necessary to provide clarity for the code user.

## **Section: 316.1.6**

HCD proposes to adopt model code Section 316.1.6 into Title 24, Part 5, CPC, with modifications. First, HCD proposes to amend the model code section to require the use of a Low-VOC solvent cement and a Low-VOC primer, if primer is necessary, during the installation of plastic pipe and fittings.

HCD proposes the adoption of this California amendment to address both air quality and health concerns in connection with volatile organic compounds (“VOC’s”). Many areas of California have serious smog issues. VOC’s, by acting as the precursors to smog, have the potential to contribute to this air pollution. Using Low-VOC cements and primers (collectively, “adhesives”) can reduce the emission of smog-forming compounds, improve air quality for the pipe worker who is using the materials, and improve regional air quality.

Indeed, several local air quality control boards (“air boards”) have already issued rules that require the use of Low-VOC adhesives. Unfortunately, not all air boards have these rules, the rules differ among the local jurisdictions, and many of these rules have exceptions for materials that are used in small quantities or in plastic pipe installations.

By proposing this California amendment, which would require the use of Low-VOC adhesives during pipe installation, HCD hopes to reduce VOC emissions from projects which require the use of primers or cements. This will ensure

that all Californians, regardless of the air board jurisdiction in which they live, will benefit from the use of Low-VOC materials.

Second, HCD has modified the model code section by adding scoping language, which will direct the code user to applications under HCD's authority. This modification is consistent with format guidance given by the CBSC.

**Section: 316.1.6.1**

HCD proposes to repeal the above-listed California amendment. HCD is proposing to adopt model code Section 316.1.6, which will provide equivalent standards as previously established by this amendment. The proposed change will provide specificity for the code user.

**Section: 316.2.4**

HCD proposes to continue the adoption of the above-listed California amendment into Title 24, Part 5, CPC, with modifications. The modifications remove the banner for consistency with the format of the code and scoping language was added where necessary to provide clarity for the code user.

**CHAPTER 4  
PLUMBING FIXTURES AND FIXTURE FITTINGS**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

**Sections: 402.0 and 402.1**

HCD proposes to repeal the above-listed California amendments. HCD is proposing to adopt the model code text. Scoping language that references Health and Safety Code Section 17921.3 has been added to model code Section 402.1. The change will provide clarity and direct the code user to the statute that governs water conserving fixtures.

**Section: 406.5**

HCD proposes to continue the adoption of the above-listed, existing California amendment into Title 24, Part 5, CPC, with modifications. Changes in section numbers are necessary as a result of the renumbering of the relevant sections in Chapter 4 of the UPC. Other modifications will remove the banner for consistency with the format of this code, add scoping language to provide clarity to the code user, and coordinate the text with that adopted by other state agencies.

**Section: (2001 CPC Section 408.7)**

HCD proposes to repeal the above-listed California amendment. HCD is proposing to adopt and amend model code Section 407.7 which will provide a reference to the CBC, Chapter 11A and/or 11B, for access requirements for persons with disabilities. The proposed change will provide specificity for the code user.

**Section: 407.7**

HCD proposes the adoption of the above-listed model code section with amendment into Title 24, Part 5, CPC. Text is added to provide a reference to the CBC, Chapter 11A and/or Chapter 11B, for access requirements for persons with disabilities. This modification is proposed for consistency in formatting, and to provide clarity and specificity for the code user. This previous amendment was included in Section 408.7 of the 2001 CPC. Section numbers have been changed as a result of the renumbering of the relevant sections in Chapter 4 of the UPC.

**Sections: 410.4 and 410.5**

HCD is proposing to adopt the above-listed model code sections into Title 24, Part 5, CPC, with modification. The repeal of the banner and the additional text within the banner provides consistency with the format of this code. This modification has been made to provide clarity for the code user. Changes in section numbers are necessary as a result of the renumbering of the relevant sections in Chapter 4 of the UPC. HCD could not find a rationale to continue the non-adoption of these sections.

**Section: 411.6 Exception (2001 CPC Section 412.6)**

HCD proposes the adoption of the above-listed model code section into Title 24, Part 5, CPC, with modifications. The repeal of the banner and the additional text within the banner provides consistency with the format of this code. The previous exceptions are proposed for removal and additional language is proposed to be added to the end of the model code exception. This modification has been made to provide clarity for the code user. Changes in section numbers are necessary as a result of the renumbering of the relevant sections in Chapter 4 of the UPC. The change does not create a change in effect from the 2001 California Building Standards Codes.

**Section: 411.7 Exception**

HCD proposes the adoption of the above-listed model code section into Title 24, Part 5, CPC, with modifications. Additional language is proposed to be added to the end of the model code exception. This modification has been made to provide clarity for the code user by providing a reference to the location of building standards pertaining to shower compartments required to be accessible to persons with disability. A previous amendment with similar function was contained in Section 412.7 of the 2001 CPC and is shown as repealed at the beginning of this document. The change does not create a change in its effect from the 2001 California Building Standards Codes.

**Section: 413.0 (2001 CPC Section 414.0)**

HCD proposes the adoption of the above-listed model code section into Title 24, Part 5, CPC, with modifications. The repeal of the banner provides consistency with the format of this code. This modification has been made to provide clarity for the code user by providing a reference to the location of building standards pertaining to accommodations required to be accessible to persons with disability. Changes in section numbers are necessary as a result of the renumbering of the relevant sections in Chapter 4 of the UPC. The change does not create a change in its effect from the 2001 California Building Standards Codes.

**Section: Table 4-1 Exceptions 1 and 2**

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with non-substantive modifications. The modified text, within the notes and exceptions, provides consistency with the format of the CPC: Banners have been removed, and scoping language has been added to direct the code user to applications under the authority of HCD.

## **CHAPTER 5 WATER HEATERS**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

**Section: 508.2**

HCD proposes to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. The provisions of this model code section conflict with California state law that requires water heater strapping throughout California in all occupancies and seismic design categories. A California amendment is added to reflect California's state law, Health and Safety Code Section 19211, subdivision (a).

**Section: 510.5.1**

HCD proposes to repeal the above listed California amendment, since it would merely restate Health and Safety Code Section 19211, subdivision (a), which is now referenced in Section 508.2. The amendment provides clarity, without any new regulatory effect.

## **CHAPTER 6 WATER SUPPLY AND DISTRIBUTION**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

**Section: 601.1**

HCD proposes to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. The proposed amendments previously contained in Section 601.1.1 of the 2001 CPC have been relocated to this model code section with minor non-substantive amendments changing the term "Administrative Authority" to "Enforcing Agency". "Enforcing Agency" is a term used in statute and regulatory language adopted by HCD. The amendment has been reformatted to fit within this model code section.

**Section: 601.1.1**

HCD proposes to repeal the above-listed California amendment and incorporate the language into California amendment Section 601.1. The amendment provides clarity, without any new regulatory effect.

**Sections: 601.2.2 and 601.2.3**

HCD proposes to continue the adoption of the above-listed model code sections with existing California amendments into Title 24, Part 5, CPC, with modifications. The modified text will change the symbol for non-potable water from skull and crossbones to the international symbol of a glass with a slash through it. The change was made based on a request by the Department of Water Resources, which was concerned that the old symbol did not accurately reflect the condition which causes a health concern. This will provide consistency between Title 22 regulations and Title 24



regulations regarding the symbol used for display. Figure 6-1, which depicts the symbol, is added for clarification purposes.

**Section: 601.4**

HCD proposes to continue the adoption of the above-listed California amendment section into Title 24, Part 5, CPC, with modification. The banner has been removed to comply with guidance offered by CBSC staff regarding the format of the code.

**Section: 603.4.11 (2001 CPC Section 603.4.12)**

HCD proposes to continue the adoption of the above-listed model code section with California amendments into Title 24, Part 5, CPC, with modifications. The modified text will change the symbol for non-potable water from skull and crossbones to the international symbol of a glass with a slash through it. The change was made based on a request by the Department of Water Resources, which was concerned that the old symbol did not accurately reflect the condition which causes a health concern. This will provide consistency between Title 22 regulations and Title 24 regulations regarding the symbol used for display. Figure 6-1, which depicts the symbol, is added for clarification purposes.

**Figure: 6-1**

HCD proposes the adoption of the above-listed California amendment into Title 24, Part 5, CPC. The modified text will change the symbol for non-potable water from skull and crossbones to the international symbol of a glass with a slash through it. The change was made based on a request by the Department of Water Resources, which was concerned that the old symbol did not accurately reflect the condition which causes a health concern. This will provide consistency between Title 22 regulations and Title 24 regulations regarding the symbol used for display. Figure 6-1, which depicts the symbol, is added for clarification purposes. The section number has changed and the banner has been removed.

<b>Sections: 603.4.16</b>	<b>603.4.16.5</b>
<b>603.4.16.1</b>	<b>606.1.3</b>
<b>603.4.16.2</b>	<b>609.8</b>
<b>603.4.16.3</b>	<b>609.10</b>
<b>603.4.16.4</b>	

HCD proposes to not adopt the above-listed model code sections into Title 24, Part 5, CPC. Changes in section numbers are necessary as a result of the renumbering of the relevant sections in Chapter 6 of the UPC.

**Section: (2001 CPC Section 604.1.1)**

HCD proposes to repeal the above-listed California amendment in its entirety. HCD's objective is to remove existing California restrictions on the materials approved for use in potable water distribution and supply systems. Repeal of this amendment, which set these California restrictions in place, is consistent with this objective.

**Section: (2007 CPC Section 604.1.1/ 2001 CPC Section 604.1.2(a))**

HCD proposes to repeal subdivision (a) of 2001 CPC Section 604.1.2, yet continue the adoption of the rest of the California amendment (2001 CPC Section 604.1.2) into Title 24, Part 5, CPC, with modifications.

Under the existing California amendment (2001 CPC Section 604.1.2(a)), a local building official may authorize the use of chlorinated polyvinyl chloride ("CPVC") pipe within residential buildings after making a finding that there has been, or will be, a premature failure of metallic pipe due to existing water or soil conditions. If this amendment is repealed, a local building official would no longer have to make a "findings requirement" declaration before authorizing the use of CPVC for hot- and cold-water distribution systems within residential buildings.

HCD wishes to remove the current "findings requirement" in order to make CPVC pipe equally accessible to Californians as a plumbing material alternative. Removal of the "findings requirement" is reasonably necessary to achieve this objective: Local jurisdictions will be relieved of the burden and cost of making the declaration, and building permit processing will consequently be more efficient.

HCD has been evaluating CPVC pipe for potable water use in California for many years. In November 2000, HCD approved a Mitigated Negative Declaration ("MND"). Through the MND process, HCD found that when CPVC is installed within a residence, there were no potentially significant impacts on the environment that could not be mitigated to a less than significant status. The MND did not assess the cumulative impacts of CPVC use. Therefore, HCD is currently conducting an Environmental Impact Report ("EIR") in order to evaluate the potential cumulative impacts of CPVC use.

With the exception of subdivision (a), HCD proposes to continue the adoption of the California amendment, with modifications. First, HCD proposes to correct any references within the text from *"IAPMO IS 20-98"* to *"IAPMO IS 20-2003."* This modification identifies the most recent edition of this standard for the code user. Second, the code section reference 604.1.1 was changed to 604.1.2 in order to correspond with the renumbered sections in Chapter 6 of the UPC. Finally, the proposed repeal of subdivision (a) of 2001 CPC Section 604.1.2 makes it necessary to modify all subsequent subdivision references in order to provide continuity for the code user.

**Sections: 604.11, 604.11.1 and 604.11.2**

HCD is proposing to adopt the above-listed model code sections into Title 24, Part 5, CPC, with modification. The modification will remove the banner for consistency with the format of this code. HCD has previously proposed adoption of the UPC without amendment to restrict the use of PEX piping. In these previous adoptions, HCD has received comments claiming the California Environmental Quality Act (CEQA) must be satisfied in order to adopt the model code as written for use in California. In these previous adoptions, HCD has not agreed with the comments, but decided to include a restriction for PEX to avoid legal challenges that could potentially delay the adoption of the UPC or has been forced to withdraw the entire UPC adoption package due to the voluminous comments received from stakeholders which want the use of PEX restricted in California. During this adoption cycle, HCD anticipates receiving similar comments and intends to complete the necessary tasks to legally adopt these sections without amendment. If necessary, HCD will either propose amendments or withdraw all or portions of the initial proposal.

**Sections: 606.1.3 and 606.2.1**

HCD is proposing to adopt the above-listed model code sections into Title 24, Part 5, CPC, with modification. The modification will remove the banner in Section 606.1.3, and the banner and additional language in Section 606.2.1. The amendment is consistent with the format guidance offered by CBSC staff and consistent with the format of the model code. HCD received a public comment regarding the rationale for the previous non-adoption of Section 606.1.3. HCD could find no statutory restriction regarding the use of mechanically formed tee fittings and did not receive any adverse comments during the public code development process prior to the start of this rulemaking cycle. HCD is proposing to remove the previous amendment and adopt the model code language.

**Section: 606.2.4.2**

HCD proposes to repeal the above-listed California amendment and will instead propose amendment to Section 316.1.6 regarding PVC pipe joints. The amendment provides clarity, without a change in regulatory effect.

**Section: 609.8**

HCD is proposing to adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. The modification will remove the banner. The amendment is consistent with the format guidance offered by CBSC staff and consistent with the format of the model code. HCD did not find a rationale to support the continued non-adoption of this section and could find no statutory restriction which would support the retention of this previous amendment. HCD is proposing to remove the previous amendment and adopt the model code language.

**Section: 609.10**

HCD is proposing to not adopt the above-listed model code section into Title 24, Part 5, CPC, with modification. The modification will remove the banner. The amendment is consistent with the format guidance offered by CBSC staff and consistent with the format of the model code. HCD is proposing the continued non-adoption of this section because currently a definition of "quick acting valve" is not included in the code. The lack of definition creates confusion in enforcement which leads to inconsistencies among jurisdictions. This section will be shown in the matrix table as not adopted by HCD.

**Table 6-4**

HCD proposes to adopt UPC Table 6-4 with modification. HCD has previously amended this Table to reflect the non-adoption of the fixture unit values specified for mobilehomes. With this proposed amendment, HCD will remove the previous banner "Not adopted by HCD" and will instead provide a footnote directing the code user to the location of the proper fixture unit values to be used for manufactured housing (mobilehomes) throughout the State. HCD is also proposing to add additional language to direct the code user to the regulation which contains requirements for water supply fixture unit values to be used in Special Occupancy Parks. These amendments are necessary because the 2006 UPC conflicts with existing regulations contained in CCR, Title 25, Chapter 2 and 2.2 which apply to manufactured housing and special occupancy parks. This amendment does not have a change in regulatory effect.

**CHAPTER 7  
SANITARY DRAINAGE**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

**Section: 701.1.2.2**

HCD is proposing to repeal the above-listed previous California amendment code section from Title 24, Part 5, CPC. HCD has previously proposed adoption of the UPC without amendment to allow for unrestricted use of ABS/PVC piping installations. In these previous adoptions, HCD has received comments claiming the California Environmental Quality Act (CEQA) must be satisfied in order to adopt the model code as written for use in California. In these previous adoptions, HCD has not agreed with the comments, but decided to include a restriction for ABS/PVC piping to avoid legal challenges that could potentially delay the adoption of the UPC. During this adoption cycle, HCD anticipates receiving similar comments and intends to complete the necessary tasks to legally adopt the section without amendment. If necessary, HCD will either propose amendments or withdraw all or portions of the initial proposal.

**TABLE 7-3.**

HCD proposes to adopt UPC Table 7-3 with modification. HCD has previously amended this Table to reflect the non-adoption of the drainage fixture unit values specified for mobilehomes. With this proposed amendment, HCD will remove the previous banner "Not adopted by HCD" and will instead provide a footnote directing the code user to the location of the proper fixture unit values to be used for manufactured housing (mobilehomes) throughout the State. . HCD is also proposing to add addition language to direct the code user to the regulation which contains requirements for drainage fixture unit values to be used in Special Occupancy Parks. These amendments are necessary because the 2006 UPC conflicts with existing regulations contained in CCR, Title 25, Chapter 2 and 2.2 which apply to manufactured housing and special occupancy parks. This amendment does not have a change in regulatory effect.

**Section: 705.1.1.1**

HCD proposes to repeal the above-listed California amendment and will instead propose adoption of Section 705.1.1 without amendment. The amendment is not necessary and is repetitive. Section 310.0 covers workmanship and requires that all piping be reamed to the full bore of the pipe and that chips (loose material) be removed. This amendment does not create a change in regulatory effect.

**Sections: 705.1.7 Exception and 705.1.9 Exception**

HCD proposes to continue the adoption of the above-listed existing California amendments into Title 24, Part 5, CPC, with modifications. The modified text changes the reference from "Administrative Authority" to "Enforcing Agency" and provides scoping language to direct the code user to the correct location within the code to identify applications under the authority of HCD. The banners have been removed to comply with the format guidance offered by CBSC staff.

**Section: 705.2.5**

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modifications. The change cross-references the correct code section, and provides clarity for the code user. The banner is removed and additional scoping language is added to identify to the code user the correct location within the code to identify applications under the authority of HCD.

**Section: 710.3.3.1**

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modifications. This modification is proposed for consistency in formatting, and to provide clarity and specificity for the code user. The banner is removed and additional scoping language is added to identify to the code user the correct location within the code to identify applications under the authority of HCD.

## **CHAPTER 8 INDIRECT WASTES**

HCD proposes adoption of this Chapter without amendment.

## **CHAPTER 9 VENTS**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

**Section: 903.1.2.2**

HCD is proposing to repeal the above-listed previous California amendment code section from Title 24, Part 5, CPC. HCD has previously proposed adoption of the UPC without amendment to allow for unrestricted use of ABS/PVC piping installations. In these previous adoptions, HCD has received comments claiming the California Environmental Quality Act (CEQA) must be satisfied in order to adopt the model code as written for use in California. In these previous adoptions, HCD has not agreed with the comments, but decided to include a restriction for ABS/PVC piping to avoid legal challenges that could potentially delay the adoption of the UPC. During this adoption cycle, HCD

anticipates receiving similar comments and intends to complete the necessary tasks to legally adopt the section without amendment. If necessary, HCD will either propose amendments or withdraw all or portions of the initial proposal.

#### **Section: 903.3.1**

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modifications. This modification is proposed for consistency in formatting, and to provide clarity and specificity for the code user. The banner is removed and additional scoping language is added to identify to the code user the correct location within the code to identify applications under the authority of HCD.

### **CHAPTER 10 TRAPS AND INTERCEPTORS**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

#### **Section: 1005.0**

HCD is proposing to adopt the above-listed model code section into Title 24, Part 5, CPC, without modification. Existing California amendments to this section are proposed to be repealed: They are no longer necessary because of revised UPC language relating to accessible fixtures.

<b>Sections: 1013.0</b>	<b>1016.2</b>
<b>1016.0</b>	<b>1016.3</b>
<b>1016.1</b>	<b>1017.0</b>
<b>1016.1.1</b>	<b>1017.1</b>
<b>1016.1.2</b>	<b>1017.2</b>

HCD is proposing to adopt the above-listed model code Section into Title 24, Part 5, CPC, with modification. The modifications will remove the banners. The amendments are consistent with the format guidance offered by CBSC staff and the format of the model code. HCD did not find a rationale to support the continued non-adoption of these sections and could find no statutory restriction which would support the non-adoption of these previous sections. HCD is proposing to adopt the model code language without amendment.

### **CHAPTER 11 STORM DRAINAGE**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

#### **Section: 1101.1 and 1101.1.1**

HCD proposes to repeal Section 1101.1.1, the above-listed California amendment and adopt in its place model code text. Therefore, the amendment is no longer necessary. The modification will remove the banners and eliminate the previous amendment of Section 1101.1.1. The amendment is consistent with the format guidance offered by CBSC staff and consistent with the format of the model code. The change will provide clarity to the code user.

#### **Section: 1101.3.1**

HCD is proposing to repeal the above-listed previous California amendment code section from Title 24, Part 5, CPC. HCD has previously proposed adoption of the UPC without amendment to allow the unrestricted use of ABS/PVC piping installations. In these previous adoptions, HCD has received comments claiming the California Environmental Quality Act (CEQA) must be satisfied in order to adopt the model code as written for use in California. In these previous adoptions, HCD has not agreed with the comments, but decided to include a restriction for ABS/PVC piping to avoid legal challenges that could potentially delay the adoption of the UPC. During this adoption cycle, HCD anticipates receiving similar comments and intends to complete the necessary tasks to legally adopt the section without amendment. If necessary, HCD will either propose amendments or withdraw all or portions of the initial proposal.

#### **1101.5.1.1**

HCD proposes to continue the adoption of the above-listed existing California amendment into Title 24, Part 5, CPC, with modifications. This modification is proposed for consistency in formatting, and to provide clarity and specificity for the code user. The banner is removed and additional scoping language is added to identify applications under the authority of HCD. In addition, repetitive language has been removed. The amendment does not have a change in regulatory effect from the 2001 California Building Standards Codes.

**Section: 1102.1.2**

HCD is proposing to repeal the above-listed previous amendment code section from Title 24, Part 5, CPC. HCD has previously proposed adoption of the UPC without amendment to restrict the use of ABS/PVC piping installations. In these previous adoptions, HCD has received comments claiming the California Environmental Quality Act (CEQA) must be satisfied in order to adopt the model code as written for use in California. In these previous adoptions, HCD has not agreed with the comments, but decided to include a restriction for ABS/PVC piping to avoid legal challenges that could potentially delay the adoption of the UPC. During this adoption cycle, HCD anticipates receiving similar comments and intends to complete the necessary tasks to legally adopt the section without amendment. If necessary, HCD will either propose amendments or withdraw all or portions of the initial proposal.

**CHAPTER 12  
FUEL PIPING**

HCD proposes adoption of this Chapter with amendments indicated below and on the attached matrix table.

**Section: 1216.4**

HCD proposes the adoption of the above-listed model code section with modifications. HCD proposes to repeal the existing California amendment and to remove the banner for consistency with the format of this code. HCD proposes to adopt this model code section without amendment. The previous amendment is no longer necessary due to amendment of other regulations contained in Title 25 which are adopted by HCD.

**Section: 1216.4.1**

HCD proposes to repeal the above-listed existing California amendment from Title 24, Part 5, CPC. The previous amendment applies to construction of structures primarily outside the scope of this code and is preempted by federal law. The amendment does not have a change in regulatory effect.

**CHAPTER 13  
HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS**

HCD proposes to not adopt this Chapter.

**CHAPTER 14  
MANDATORY REFERENCED STANDARDS**

HCD proposes the adoption of this Chapter without amendments.

**CHAPTER 15  
FIRESTOP PROTECTION**

HCD proposes the adoption of this Chapter without amendments.

**Section: 1501.2**

HCD is proposing to repeal the above-listed existing California amendment from Title 24, Part 5, CPC. This section is no longer necessary as a result of revised UPC language in Chapter 15. HCD acknowledges authority of the State Fire Marshal (SFM) to adopt building standards relating to fire safety and will co-adopt this chapter with SFM. This will provide clarity, specificity, and direction to the code users.

**CHAPTER 16-Part I  
GRAY WATER SYSTEMS**

HCD proposes to not adopt Chapter 16-Part I.

**CHAPTER 16-Part II  
RECLAIMED WATER SYSTEMS**

HCD proposes to not adopt Chapter 16-Part II.

**APPENDIX CHAPTER 1  
ADMINISTRATION**

HCD proposes adoption of this Appendix as indicated in the attached matrix table.

**APPENDIX A  
RECOMMENDED RULES FOR SIZING THE WATER SUPPLY SYSTEM**

HCD proposes adoption of this Appendix with amendments indicated below and on the attached matrix table.

**Table A-2**

HCD proposes to adopt UPC Table A-2 with modification. HCD has previously amended this Table to reflect the non-adoption of the fixture unit values specified for mobilehomes. With this proposed amendment, HCD will remove the previous banner "Not adopted by HCD" and will instead provide a footnote directing the code user to the location of the proper fixture unit values to be used for manufactured housing (mobilehomes) throughout the State. HCD is also proposing to add addition language to direct the code user to the regulation which contains requirements for water supply fixture unit values to be used in Special Occupancy Parks. These amendments are necessary because the 2006 UPC conflicts with existing regulations contained in CCR, Title 25, Chapter 2 and 2.2 which apply to manufactured housing and special occupancy parks. This amendment does not have a change in regulatory effect.

Additionally, UPC Table A-2 is modified to include a note that provides clarity, specificity, and direction to the code user by providing a reference to UPC Table 6-5.

**APPENDIX B  
EXPLANATORY NOTES ON COMBINATION WASTE AND VENT SYSTEMS**

HCD proposes to not adopt this Appendix.

**APPENDIX D  
SIZING STORMWATER DRAINAGE SYSTEMS**

HCD proposes the adoption of this Appendix without amendments.

**APPENDIX E  
MANUFACTURED/MOBILEHOME PARKS AND RECREATIONAL VEHICLE PARKS**

HCD proposes to not adopt this Appendix.

**APPENDIX F  
FIREFIGHTER BREATHING AIR REPLENISHMENT SYSTEMS**

HCD proposes to not adopt this Appendix.

**APPENDIX I  
INSTALLATION STANDARDS**

HCD proposes adoption of this Appendix with amendments indicated below and on the attached matrix table.

**Section: 301.0**

HCD proposes to continue the adoption of the above-listed California amendment into Title 24, Part 5, CPC, with modifications. The font is modified and the text is renumbered and relocated for consistency in formatting with the code. The modification provides clarity for the code user.

**Sections:**      **301.0.1**  
                     **301.0.1.1**  
                     **301.0.2**  
                     **301.0.2.1**  
                     **301.0.2.2**

HCD proposes to continue the adoption of the above-listed California amendments into Title 24, Part 5, CPC, with modifications. The sections are re-numbered and re-located to provide usability and to match the model code format.

**APPENDIX K  
PRIVATE SEWAGE DISPOSAL SYSTEMS**

HCD proposes the adoption of this Appendix without amendments.

## **APPENDIX L ALTERNATE PLUMBING SYSTEMS**

HCD proposes to not adopt this Appendix.

### **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

The following identifies each technical, theoretical, and empirical study, report, or similar document upon which HCD relied in proposing the adoptions, amendments, or repeals:

1999 IAPMO Report on Proposals  
2001 IAPMO Report on Proposals  
2002 IAPMO Report on Proposals  
2003 IAPMO Report on Proposals  
2004 IAPMO Report on Proposals

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.**

(Government Code Section 11346.2(b)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

HCD has determined that this regulatory action will have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. (See *Economic Impact of the Proposed Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.